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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,232	09/20/2001	Kuansan Wang	M61.12-0389	5870

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EXAMINER
SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/960,232	WANG ET AL.
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,8,9,14-18,20-30,34 and 36-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8,9,14-18,20-30,34 and 36-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely

paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 13 November 2006 has been entered.

Response to Arguments

I.   35 U.S.C. § 112

The § 112 rejections have been withdrawn because applicant's amendments have overcome

the rejections.

II.   35 U.S.C. § 103

Applicant's arguments, pages 8-11 filed 13 November 2006, have been fully considered but

they are not persuasive.

Applicant contends that Barclay (U.S. Patent No. 5,960,399) lacks a second client device

with the features. The examiner agrees, however a such a second client device is obviated by the art

of record.

Barclay does not appear to expressly disclose a second client device similar to the first client

device (70). However, the server (80) is an Internet web server (abstract; column 9, line 1), which

implies that there are multiple remote clients. The implicit disclosures of a prior art reference may

be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. MPEP § 2112.

Barclay does not teach or suggest a client device (70) having a telephone and a voice browser

capable of rendering the information from the web server audibly. So, Barclay does not teach that

the implied second client device has a telephone and a voice browser capable of rendering the

information from the web server audibly.

Barclay's clients are just standard personal computers (figure 1; column 4, line 57 et seq.)

Equipping a standard PC with a telephone and a voice browser capable of rendering information

from a web server was well known in the art, as evidenced by Brown.

In a similar art, Brown teaches a PC (IVR platform 102 implemented using a PC) (column 4,

lines 38-41) having a telephone (108) (column 3, lines 10-11) and a voice browser capable of

rendering information from a web server (column 3, line 53 et seq.) Providing a PC with such a

telephone and voice browser has advantages such as enabling clients to conveniently access web

pages using an audio interface. Therefore, it would have been obvious to provide the second client

with such a telephone and voice browser in the instant case.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 1, 8, 9, 14, 15, 20, 25-30, 34, and 36-39 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Barclay (U.S. Patent No. 5,960,399) in view of Brown (U.S. Patent

No. 6,587,822).

Regarding claim 1, 26, and 34, Barclay teaches a server/client system for processing data, the

system comprising:

a network comprising:

a web server (80) having information accessible remotely (figure 4; column 8, line 37

– column 9, line 30);

a recognition server (80) (figure 4; column 8, line 37 – column 9, line 30);

a first client device (70) adapted to receive information from the web server (80) and

having a visual interface browser to access information from the web server (80) and a rendering

device to visually indicate fields to be entered, the first client device (70) configured to record input

speech data associated with each of the fields upon an indication by a user of the first client device

(70) of which field subsequent input is intended for, and wherein the first client device (70) is

adapted to send the input speech data to the recognition server (80) remote from the first client

device (70) (figure 4; column 8, line 37 – column 9, line 30);

Barclay does not appear to expressly disclose a second client device similar to the first client

device (70). However, the server (80) is an Internet web server (abstract; column 9, line 1), which

implies that there are multiple remote clients. The implicit disclosures of a prior art reference may

be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. MPEP § 2112.

Barclay therefore teaches a second client device (another device 70), remote from the first

client device (70), having a microphone and a speaker (figure 1) and adapted to receive information

from the web server (80) (column 8, line 37 – column 9, line 30), the second client device (another

device 70) configured to record input speech data associated with each of a set of fields in response to prompts given to a user of the second client device (column 8, line 37 – column 9, line 30), and wherein the second client device is adapted to send the input speech data to the recognition server remote from the second client device (figure 4; column 8, line 37 – column 9, line 30); and

wherein the recognition server (80) is configured to receive the input speech data from both of the client devices separately, process the input speech data from each client device, and return data indicative of what was recognized to at least one of the client device providing the input speech data and the web server (figure 4; column 8, line 37 – column 9, line 30).

Barclay does not teach or suggest a client device (70) having a telephone and a voice browser capable of rendering the information from the web server audibly. So, Barclay does not teach that the implied second client device has a telephone and a voice browser capable of rendering the information from the web server audibly.

Barclay's clients are just standard personal computers (figure 1; column 4, line 57 et seq.) Equipping a standard PC with a telephone and a voice browser capable of rendering information from a web server was well known in the art, as evidenced by Brown.

In a similar art, Brown teaches a PC (IVR platform 102 implemented using a PC) (column 4, lines 38-41) having a telephone (108) (column 3, lines 10-11) and a voice browser capable of rendering information from a web server (column 3, line 53 et seq.) Providing a PC with such a telephone and voice browser has advantages such as enabling clients to conveniently access web pages using an audio interface. Therefore, it would have been obvious to provide the second client with such a telephone and voice browser in the instant case.

Regarding claims 8, 14, 15, 27, 28, and 37, Barclay teaches that that markup language comprises HTML (column 8, line 37 – column 9, line 30). It was well known in the art that it was

common practice to include script portions in web pages (e.g., javascript), thereby providing more

interactive user interfaces. It would have been obvious to do so in the instant case for the same

reasons.

Regarding claims 9 and 20, each client device is adapted to normalize (encode) the input

speech data prior to sending the input speech data to the recognition server.

Regarding claim 25, Barclay teaches that the web server and the recognition server are

located on a single machine (figure 4, 80).

Regarding claims 29, 30, 38, and 39, Barclay teaches that the client device transfers a

reference to the grammar to the recognizer with the input data (column 8, lines 26-28).

Regarding claim 36, Barclay does not teach that rendering the web page includes audibly

prompting the user. However, audibly prompting a user when rendering a web page was well

known in the art and provides advantages such as getting the user's attention. It would therefore

have been obvious to do so in the instant case.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay

(U.S. Patent No. 5,960,399) in view of Brown (U.S. Patent No. 6,587,822), and further in view

of Firoozye (reference X on the PTO-892 mailed on 07 December 2004).

Regarding claims 21-23, Barclay does not teach that the web server detects the type of client

device, and dynamically generates markup language according to the type of client device. However,

doing so was well known in the art, as evidenced by Firoozye (page 2, "The server chooses the best

stylesheet to match a user's immediate needs and renders the content to match it."; page 1, "XSL

stylesheets [are] matched to the end-user's environment, the content can be formatted and rendered

to match the delivery platform").

Given the teachings of Firoozye, it would have been obvious to one of ordinary skill in the art to dynamically generate markup language according to the type of client device, thereby best matching users' immediate needs.

Regarding claim 24, XSL stylesheets as described by Firoozye read on the claimed dialog modules and are obvious to use for the reasons set forth above.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay (U.S. Patent No. 5,960,399) in view of Brown (U.S. Patent No. 6,587,822), and further in view of Jochumson (U.S. Patent No. 6,453,290).

Regarding claims 16-18, Barclay teaches that the recognizer uses different grammars to recognize the speech input and that clients may specify the grammar (column 8, lines 26-28), but does not expressly disclose how the clients are aware of which grammars are supported by the recognizer. As such, it would have been obvious to one of ordinary skill in the art to look outside the teachings of Barclay to find a method for enabling the clients to become aware of the supported grammars.

In a similar art, Jochumson teaches a method and system for network based speech recognition that provides a web pages and an associated grammar reference (column 4, lines 43-53). Given the teachings of Jochumson, it would have been obvious to a person of ordinary skill in the art to include an indication of supported grammars, thereby providing clients with a means for entering the appropriate speech input.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of

the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of

record in the next Office action if they had been entered in the application prior to entry under

37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action

after the filing of a request for continued examination and the submission under 37 CFR 1.114. See

MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner

can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

KRISNA LIM
PRIMARY EXAMINER